

Rushford Town Board Minutes
Wednesday, December 4, 2024

The Town of Rushford December Board meeting was called to order by Thomas Egan followed by the Pledge of Allegiance. Roll call was taken with Tom Egan, Jerry Schoonover, Katheryn Lewis & Peggy Hendricks present. Also present for all or part of the meeting: 7 additional persons per attendance record on file, though others were present who did not sign in.

Statement of Public Notice: Notice of this meeting, Budget hearing, Meeting of the electors, notice of Budget workshop and Notice of Election audit was posted on the Town hall door, the corner of K&E in Eureka, the Waukau post office and the Towns website.

Clerks Report: *Motion by Schoonover to approve the minutes from November 6, 2024. 2nd by Kafer. Discussion: Motion carried.*

Treasurers Report was given by Katheryn Lewis. The balance for the general account at the end of November was \$171,526.49. The balance in the tax account was \$4,728,36 *Motion by Schoonover, 2nd by Kafer to approve the treasurer's report. Motion carried.*

Payment of Monthly Invoices: *Motion by Kafer, 2nd by Schoonover to approve and pay \$28,659,72 invoices for December. Motion carried.*

Public Input: Lee Bartelt, 3577 2nd St, Omro WI, - In August there was discussion with the Board with land owned by Andrew and Mai Krenzke located on County Road E, neighboring CBCBF Properties and his personal property. At that meeting splitting the land and rezoning was discussed and discussed that the 2nd lot would be used to build a home for family. Recently it was sold to someone who is not family. It was on record that Andrew said it was not a concern for he would not sell it, he was not a realtor, so with that being understood the splitting and zoning was approved. Since then, the 2 neighboring properties are facing a lawsuit over a tile that runs though Bartlets property to drain the pond that they own. They understand the Town can not help them with that, but the request he has is that bylaws of the Town should be revisited and updated so this does not happen to anyone else. Egan said he did call the Attorney on this problem, for this is not the first time it has happened in the Town where a property is split and rezoned with the understanding it would stay in the family and then it doesn't. The Attorney said it was already turned over and unless there was some proof, probly nothing can be done about it and the Attorney has not gotten back to him. Egan said he is sure it is stated in the records that it had to be for family use. At that time, Tom Jackson, our zoning administrator, the zoning Board and the Town Board was told this spilt would be only for family use. Egan suggested we invite the people back to see what is going on? Maybe before that time we could get more information from the Attorney. Kafer said he thought we should talk to the Attorney, get what ever records we got and if they come for a building permit, perhaps that should be denied, for the property was not to be sold. The property that was to be kept in the family was sold to Sand Haven LLC with an address of Winneconne. Bartelt said some of the conversations he had with Andrew he said he reached out to someone in the State level that he knew and was told this would be passed by the Town either way, which Bartelt stated he did not know as fact. Egan said no one talked to anyone from the State where that was stated. Egan said the Town would keep looking into it. Kafer said if we can't do anything about this one, there will be verbage put into our ordinances, for if the Board allows a split understand it would be kept in the family and then turned around to be sold, this has to stop. Especially in the case the house was not even built, but turned around and sold in a very short time. Bartelt said he does not know, but he made it sound as if he might be part of the LLC which purchased the land. There has been a lot talked about the last few days..

Jim Moore, 7505 Archery Drive. Omro, stated there is a sign down on Archery and then there is a sign laying down by Trail Inn in Waukau. The County took it down when they replaced the culvert. Freunds will look at it.

Dean Kaderabek, 8605 Banner Hill Road, Omro WI apologized for the tardiness, for he received an email from the Clerk that the Town was interested in doing a comprehensive plan, what the normal cost would be, and if he would be interested. He said just a revisit from companies that do this would be about \$25,000 and an entire rewrite would cost about \$50,000 or higher. Egan said since he had done it once before, asked if he would be interested, and how much he would charge. Dean said since he lives here and is familiar with the zoning code, he could do an update for about \$6,000. Schoonover asked if he thought we needed a total rewrite. Kaderabek said the plan is relatively old, he thought it was done in 2004. Most municipalities did a rewrite at that time, for the State kicked in money for them to do this. But that is not available at this time. He said they should be revisited every 10-15 years and ours was 20 years ago. A total rewrite would be about \$10,000. Kafer said the first time it took a very long time and Kaderabek should use his judgement on how much is needed. The Town could start with having it looked over for \$6,000 and then if it is decided it needs to be re-visited more, it could be discussed at that time. Egan asked if we needed to do a complete one, if he would be willing to do it. Dean replied how fast we wanted it. Timing is the question. He certainly would be willing to do an update during 1st quarter and if needed, budget a full rewrite in 2026.

Communications & Correspondence: Egan received an email from 4258 Rushford Ave on building a pole barn and was wondering if it was possible, for 4 years ago he asked about a culvert in front of his house and was told he was on the list. Friends stated they were hoping to get it done this year yet. There is 8" of frost in the ground, but they will see how the weather goes. Tom Egan extended sympathy to Jerry Schoonover and his family for his wife, Jody passed away. Jerry thanked the Board for that and for the plant the Town Board members sent.

Old Business: Updates on Kasuboski: Things are the same, but there is a hearing scheduled for December 18th at 9:15. Chuck did talk to Roger last week for an update. He has heating and ductwork in and he is working on the electric, so he can get inspection done. We are changing the state inspectors at the end of the year, but Marty Johnson, the current state inspector stated he would finish all jobs he has started in 2024. Egan wanted to know if we were going to pursue this at the hearing. Kafer said do you spend more time or more money. The next step is to get a judgment, for he does not have a residence there, technically he should not have anything on that property except to build a house. It is felt he is not going to get an occupancy permit, for the insulation is not done properly. He should remove everything from the property. Freund has pictures that he takes biweekly for the judge. It was thought he could move some of his stuff to the other parcel if it was zoned Ag, but it is not. One parcel is SER and LER. Freund was wondering if the Board wanted to let the attorney know of other violations like the unregistered vehicles, etc before the court date. If he does get his residence up, he can have some of the things he has there now if it is in accordance of the Towns ordinances. Egan said he is also running a business out of there. Kafer said this has been going on for such a long time and should continue with the legal proceedings. He has promised to comply numerous time, but has not. Schoonover and Egan agreed.

The Spencer property was mowed around a little bit, but there is still a lot of junk outside the house. Freund tried to make contact and has taken pictures, but really nothing has changed. Hendricks said on 10-18-2024, a judgement was signed by the Court. If the fines are not paid within 60 days, the clerk of courts will reduce it to a judgement and it will be a lien on the property, They are guilty of allowing a rat or vermin area to exist, & noxious weeds. The total forfeiture and cost for 30 days is \$12,030. Failure to pay may result in tax intercept, civil judgment or the debt being turned over to a collection agency.

Hendricks presented a contract with Elisabeth Racine with SPS Inspection Service LLC pertaining to being the Towns State inspector for new homes. She holds all the State residential UDC credentials (construction, electrical, plumbing and hvac). If commercial electrical and plumbing is needed, she has someone to refer us to that will do that work. She is in other municipalities and the fee is \$2500 for new homes and homes over 5,000 sq feet has a fee of \$5,000. ***Motion by Kafer, 2nd by Schoonover to approve the contract for SPS Inspection Service LLC to handle the Towns state inspection requirements for a trial of one year.. Motion carried.***

Egan had talked to the attorney about the Town being its own animal shelter. He has not heard back from the Attorney. The Town is already registered with the Oshkosh Humane Society, so the Constable, board member or sheriff brings in an animal, they will take them. Chuck Freund supplied a contact number for the Neenah Humane Society to contact.

Egan said the Town should think about someone else for Humane officer, for ours is getting older and is gone a lot. Egan had to send Freund out to some of the jobs that Mier could not do at the time.

Renewal of the Eureka Lock Lease with the DNR/ Berlin Boat Club: Mike McMonigal sent a copy of the recorded renewal lease along with the operational agreement. The Boat Club appreciates the Town's willingness to support the continued operation of the Lock and its agreement to be the "lessee" with the DNR.

Solid waste and recycling service agreement: Bids were open last month, and the Board voted to stay with Waste Management for 3 more years. The contract just had to be signed and returned to Waste Management.

Town Zoning Report – Eric Freund: Eric reported that he received a couple calls which has been taken care of. One is for a Conditional use permit and a split of property. Discussion on Town's comprehensive plan" Dean Kaderabek agreed to do this work. ***Motion by Kafer, 2nd by Schoonover to hire Dean Kaderabek to visit the Town's comprehensive plan for an amount of \$6,000 to start with and to start working with the Zoning Board. Motion carried.*** Dean will send over a contract for the Town. ***Motion carried.***

New Business: Hendricks received from Winnebago County IDB that the Town needs to send in its Statement of Intent by January 17th, 2025. Egan suggested tabling this until the January meeting, for there are new rules and there is a possibility we could use it our selves or work a joint project. ***Motion by Kafer, 2nd by Schoonover to table this until the January meeting. Motion carried.***

Discussion on Town Maintenance: The trucks are out tonight salting & plowing.

Building Reports:

Schmitz Farms, 9139 River Road, Berlin, WI
48' x 80x machine storage built by Cleary Bldg Corp
\$98,110 022 0721 10-10-2024

Brian Wilke for 7770 Liberty School Road, Omro
Garage, siding, basement windows & poured walls
Built by B&L Contracting, Omro, WI
\$50,000 02200220202 10-26-2024

Richard Carley, 9616 Bell School Rd, Omro, WI
New roof by Infinity Roofing, Markesan
\$42,000 0220387 11-12-2024

Terry Gooderemuth, 7311 Bluebird Xing, Omro, WI
Home generator
\$4500 022 1444 11-13-24

Lee Traxler, 8332 Liberty School Road, Omro, WI
Foundation repair by Area Waterproofing
\$17,890.00 022 004601 11-13-2024

Mark Strehlow, 9394 Liberty School Road, Omro WI
Ground mounted solar electric system by Appleton Solar
\$24,505 022 009701 09/12/2024\$98,110 022 0721 10-10-
2024

County report: There are 3 people running this year for County Executive. This will be on the ballot in the February primary.

Attended meetings: Hendricks had a State audit of election on December 2nd. There was a budget hearing and meeting of electors prior to this meeting. The Town levy was approved.

Upcoming meetings: Kasuboski hearing on December 18th at 9:15
The January Town meeting will be rescheduled from January 1st to Thursday, January 9th at 7 pm.
The Town Caucus will be held at the Town hall on January 11th at 9 am.

Tom Egan wished everyone a Merry Christmas and thank you for the support from the Rushford Town Board.

Motion by Kafer, 2nd by Schoonover to adjourn the meeting at 8:10. Motion carried.
Respectfully submitted by Peggy Hendricks, Clerk